

REMARKS

The undersigned wishes to acknowledge the courteous treatment received by Mr. Belkin during an interview held with the Examiner on May 26, 2004.

This application is a continuation-in-part of Applicant's prior application serial no. 10/612,458, filed July 2, 2003, now U.S. Patent No. 6,588,219 dated July 8, 2003.

The renumbering of claims 44 (second version) and 45 by the Examiner is acknowledged.

Applicant herein responds to the Restriction Requirement dated May 10, 2004 by electing Group III, as noted in Claims 22-44, directed to a method of producing salt containing and beverage containing ice segments, and the ice segments produced therefrom. Applicant reserves the right to file the withdrawn Claims 1-21 and 45-46 in a future divisional or continuation.

Applicant also separately submits a Supplemental PTO1449 Information Disclosure Statement, which supplements the originally filed PTO1449 Information Disclosure Statement filed July 2, 2003, a copy of which is attached hereto. The Supplemental PTO1449 form lists the following recently discovered reference pertaining to salt water ice: US Patent Publication No. 2004/0079104A1 of Antognoni)

Applicant also submits the following references related to frozen beverages:

(US Patent Nos. 5,997,936 of Jiminez-Laguna, 6,383,533 of Soeda, 6,716,461 of Miwa et al, and US Patent Publication No. 2002/0197355 of Klein)

During the interview, the Mr. Belkin and the Examiner discussed US Pub. No. 2004/0079104 to Antognoni which discloses apparatus for the freezing of salt water. In the reference, water containing salt is frozen in a freezing chamber 44 (col. 2, par. 0031) and an auger is employed to break up the ice to permit pumping of the ice particles. The salt containing water is not frozen in segments as in the present invention nor is there any teaching or suggestion of supercooling the segments of frozen salt-containing ice.

In addition, there is no teaching or suggestion in the reference of freezing any other beverage than water, as in the present application.

Also discussed was the aforementioned U.S. Patent No. 5,997,936 to Jimenez-Laguna. In this reference, concentrated skimmed milk is frozen to about minus 18 deg. C (about zero F). This is far above the freezing temperatures employed in this application (ie, minus 10 to minus 50 deg. F). The method freezing the skimmed milk does not appear to be described in the patent which concerns the use of the frozen skimmed milk in the preparation of cappuccino.

Many of claims 22-46, the elected claims, have been amended to improve the language.

Applicant notes that the following patents noted on the originally filed PTO1449 form pertain to salt water ice.

US Patent Nos.

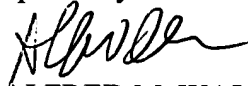
6,099,208	McAlister
5,918,477	Gall et al
5,300,246	Yamamoto et al
5,035,733	Goldstein
4,936,102	Goldstein et al
4,832,972	Toledo-Flores et al
4,671,077	Paradis
4,532,772	Makinen
4,420,949	Bartholmey et al

During the interview, it was pointed out that the specification is being amended to correct typographical errors and make other clarifying changes in language. It is believed that no new matter is being added.

The Examiner is requested to call the undersigned if further changes are required to obtain allowance of the application.

A favorable action is solicited.

Respectfully submitted,



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